

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Prisoners - Premature release of life convicts - Grant of Special Remission on the occasion of 2nd October, 2013 (Gandhi Jayanthi) - Guidelines - Issued.

HOME (PAROLE) DEPARTMENT

G.O.Ms.No. 220

Dated: 28.09.2013.

Read the following:-

1. GO Ms No.17, Home (Prisons.B2) Department, dated 17.01.2003 as amended from time to time.
2. From the Principal Secretary to Chief Minister, C.M.P.No.448/CMP-MP/2012, dated: 23.05.2012, C.M.P.No.491/CMP-MP/2012, dated: 16.06.2012 and C.M.P.No.832/Gen-PR/2012, dated: 26.06.2012.
3. Govt. Memo No.33603/Parole.2/2011, Home (Parole) Dept., dated: 04.07.2012.
4. From the Director General of Prisons and Correctional Services, A.P., Hyderabad, Lr.No.SA2/RC2/307/2011, dated: 20.07.2012 and 11.01.2013.

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ORDER:

The Government have received representations from Political Parties and Public Representatives of Andhra Pradesh, Hyderabad and also family members of life convicted prisoners requesting for grant of premature release (special remission) to the life convicted prisoners who have completed 5/7 years of sentence and the prisoners who have crossed the age of 65 years and suffering with chronic diseases, etc.

2. The Government have examined the requests and decided to grant remission of sentence, on the occasion of 2nd October, 2013 (Gandhi Jayanthi) to certain categories of life convicted prisoners who have been convicted for an offence or offences against laws relating to matters to which the executive power of the State extends.

3. Accordingly, relaxing the orders issued in the reference 1st read above, the Government hereby issues the following guidelines giving one time exemption for remitting the un-expired portion of sentence in the cases of following categories of prisoners who have been convicted by Civil Courts of criminal jurisdiction. These guidelines will be applicable to the following life convicts undergoing life sentence, keeping in view their good behaviour, subject to conditions as specified at para 4 below:-

- a) All convicted women prisoners sentenced to imprisonment for life, including those governed by Section 433-A of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) who have undergone an actual sentence of 5 years including remand period and total sentence of 7 years including remission as on 2.10.2013 shall be released.
- b) All convicted male prisoners sentenced to imprisonment for life including those governed by Section 433-A of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) and who have undergone an actual sentence of 7 years including remand period and total sentence of 10 years including remission as on 2.10.2013 shall be released.

- c) Old and decrepit prisoners as defined in Rule 321 (h) of Andhra Pradesh Prison Rules, 1979, read with G.O.Ms.No.44, Home (Prisons.B2) Department, dated:16-03-2007;
 - d) All convicted prisoners sentenced to imprisonment for life including those governed by Section 433-A of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) aged more than 65 years and have undergone an actual sentence of 5 years including remand period and total sentence of 7 years including remission as on 2.10.2013 shall be released.
4. The remission of sentence in para (3) above shall apply to prisoners, who have been convicted by Courts situated within the State of Andhra Pradesh and are undergoing sentence in other States, but shall not apply to the following categories of prisoners, namely:-
- i. Prisoners convicted and sentenced by courts situated outside the State of Andhra Pradesh.
 - ii. Prisoners convicted of offences against laws relating to a matter to which the executive powers of the Union extends.
 - iii. Prisoners involved in and convicted for offences relating to communal incidents.
 - iv. Life convicts who are punished for any prison offence during the last 3 preceding years and/or those who are punished for any serious prison offence like revolt/organising revolt against the prison administration anytime during their entire period of stay in the prison.
 - v. Prisoners who are released on parole/furlough and who commit/attempt any of the offences punishable under any law for the time being in force.
 - vi. Life convicts who have escaped from custody during the preceding 3 years and have not surrendered voluntarily.
 - vii. Prisoners convicted under the Essential Commodities Act, 1955.
 - viii. Prisoners convicted under Narcotic Drugs and Psychotropic Substances Act, 1985, the Andhra Pradesh Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1993, the Prevention of Terrorism Act, 2001 and the Andhra Pradesh Control of Organized Crimes Act, 2001 and the Special Acts enacted for Prevention of Terrorism and Mafia and other organized crimes who had been sentenced to imprisonment for life.
 - ix. Life convicts who have committed offence/offences against children.
 - x. Life convicts who are convicted for Kidnapping and related offences U/s 363-A, 364, 364-A, 366, 366-A, 366-B, 367, 368, 369, 372 and Section 373 of the Indian Penal Code, 1860.
 - xi. Life convicts convicted in crimes against women under sections 304-B 306, 354, 376 and 498-A IPC;
 - xii. Prisoners involved and convicted for Life in two or more different murder cases.

- xiii. Professional killers who have been guilty of murder by being hired.
- xiv. Prisoners convicted under waging or attempting to wage war, or abetting the waging of war, against the Government of India.
- xv. Prisoners convicted of murder of Public Servants on duty.
- xvi. Prisoners sentenced to death sentence, which is later commuted to life sentence.

5. The cases of prisoners who are convicted for life, along with offences under the following provisions of Law, subject to not coming under purview of the conditions at para-4 above, shall be considered for grant of remission by the Government after undergoing the periods of sentence as specified:

- i. (a) Life convicts (male) convicted under sections 379 to 402 Indian Penal Code, 1860; on completion of 14 years of actual sentence including remand period and 20 years of total sentence including remission, provided the convict does not have a past history of conviction under any of those sections.
- (b) Women convicted in such offences under sections 379 to 402 of the Indian Penal Code, 1860; on completion of 10 years of actual sentence including remand period and 14 years of total sentence including remission, provided the convict does not have a past history of conviction under any of those sections.
- (ii) Prisoners who are convicted for life imprisonment in any case with two counts and more shall undergo a minimum actual sentence of 14 years with remand period and total sentence of 20 years with remission.
- (iii) Life convicts who have overstayed on parole/furlough for more than three days in the last preceding 3 years; on completion of 10 years of actual sentence with remand period and 14 years with remission.

6. The Director General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad is requested to send the list of prison-wise eligible convicts as per the guidelines issued in paragraphs 3, 4 and 5 above, in the proforma annexed to this order in six sets.

7. A Committee with the following members, under the Chairmanship of the Special Chief Secretary to Government, Home (Prisons) Department is hereby constituted, to review the lists and recommend to Government for consideration of eligible cases for grant of special remission or otherwise :-

1)	Special Chief Secretary to Government, Home (Prisons) Department, Government of Andhra Pradesh, Hyderabad	Chairman
2)	Secretary to Government, Legal Affairs, Law Department, Government of Andhra Pradesh, Hyderabad	Member
3)	Director General of Police, Andhra Pradesh, Hyderabad OR his nominee.	Member
4)	Chief Legal Advisor, CID, Hyderabad, a District Judge, Cadre Officer.	Member
5)	Additional Director General of Police (Intelligence) O/o the Director General of Police, Andhra Pradesh, Hyderabad.	Member
6)	Director General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad.	Member/ Convener

8. The G.O. is available on internet and can be accessed at the address <http://www.aponline.gov.in>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

PRABHAKAR D.THOMAS
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

The Director General of Prisons and Correctional Services,
Andhra Pradesh, Hyderabad.

The Secretary to Government, Legal Affairs, Law Department,
Andhra Pradesh, Hyderabad.

The Director General of Police, Andhra Pradesh, Hyderabad.

The Chief Legal Advisor, CID, Hyderabad.

The Additional Director General of Police (Law & Order),
O/o. The Director General and Inspector General of Police,
Andhra Pradesh, Hyderabad.

The Addl. Director General of Police, (Intelligence).

Copy to:

The Principal Secretary to Governor, Rajbhavan, Hyderabad

The Director, Information & Public Relations, Andhra Pradesh, Hyderabad.

The Law (E) Department.

PS to Prl. Secretary to Governor / CM / PS to C.S.

PS to Spl. Chief Secretary to Government, Home Department.

PS to Prl. Secretary to Home (Police) Department

SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE

Annexure to G.O.Ms.No. 220, Home (Parole) Department, Dated 28.09.2013.

Sl. No.	Name, CT No. and age of the convict	Residential address	Offence committed, Sentence, case No. & Date, Sentencing Court	Sentence served as on 2.10.2013 (YY) (MM) (DD)	
				Actual Sentence	Total Sentence

PRABHAKAR D.THOMAS
SPECIAL CHIEF SECRETARY TO GOVERNMENT